

AMENDMENTS

1990—Subsec. (a)(1)(D), (F). Pub. L. 101-476 substituted “Individuals with Disabilities Education Act” for “Education of the Handicapped Act”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-476 effective Oct. 1, 1990, see section 1001 of Pub. L. 101-476, set out as a note under section 238 of this title.

§ 4343. Administrative provisions

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 4344. Compensation of members

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

SUBCHAPTER IV—GENERAL PROVISIONS

§ 4356. Liaison for educational programs for the deaf

(a) Designation of liaison

Not later than 30 days after August 4, 1986, the Secretary shall designate an individual in the Office of Special Education and Rehabilitative Services of the Department of Education from among individuals who have experience in the education of the deaf to serve as liaison between the Department and Gallaudet University, the National Technical Institute for the Deaf, and other postsecondary educational programs for the deaf under the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.] and the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.].

[See main edition for text of (b) and (c)]

(As amended Pub. L. 101-476, title IX, § 901(a)(2), Oct. 30, 1990, 104 Stat. 1142.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (a), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§ 1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-476 substituted “Individuals with Disabilities Education Act” for “Education of the Handicapped Act”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-476 effective Oct. 1, 1990, see section 1001 of Pub. L. 101-476, set out as a note under section 238 of this title.

CHAPTER 56—AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN CULTURE AND ART DEVELOPMENT

SUBCHAPTER I—AMERICAN INDIANS AND ALASKA NATIVES

§ 4414. General powers of Board

(a) In general

In carrying out the provisions of this chapter, the Board shall have the power, consistent with the provisions of this chapter—

[See main edition for text of (1) to (10)]

(11) to the extent not already provided by law, to obtain insurance to cover all activities of the Institute, including coverage relating to property and liability, or make other provisions against losses.¹

[See main edition for text of (12) and (13); (b)]

(c) Interest and investments

Interest and earnings on amounts received by the Institute pursuant to section 4451 of this title invested under subsection (a)(12) of this section shall be the property of the Institute and may be expended to carry out this chapter. The Board shall be held to a reasonable and prudent standard of care, given such information and circumstances as existed when the decision is made, in decisions involving investment of funds under subsection (a)(12) of this section.

(As amended Pub. L. 101-644, title V, § 501, Nov. 29, 1990, 104 Stat. 4668.)

AMENDMENTS

1990—Subsec. (a)(11). Pub. L. 101-644, § 501(b), amended par. (11) generally. Prior to amendment, par. (11) read as follows: “to obtain insurance or make other provisions against losses;”.

Subsec. (c). Pub. L. 101-644, § 501(a), added subsec. (c).

§ 4415. President of Institute

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 4417. Functions of Institute

[See main edition for text of (a)]

(b) Establishments within Institute

There shall be established within the Institute—

(1) a Center for Culture and Art Studies to be administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include (but not be limited to) Departments of Arts and

¹ So in original. The period probably should be a semicolon.

Sciences, Visual Arts, Performing Arts, Language, Literature, and Museology;

(2) a Center for Research and Cultural Exchange, administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include—

(A) a learning resources center;

(B) programs of institutional support and development;

(C) research programs;

(D) fellowship programs;

(E) seminars;

(F) publications;

(G) scholar-in-residence and artist-in-residence programs; and

(H) inter-institutional programs of cooperation at national and international levels; and

(3) a Museum of American Indian and Alaska Native Arts, which shall be under the direction of the President of the Institute.

[See main edition for text of (c)]

(As amended Pub. L. 101-644, title V, § 502, Nov. 29, 1990, 104 Stat. 4668.)

AMENDMENTS

1990—Subsec. (b)(2). Pub. L. 101-644, § 502(1), redesignated subpars. (B) to (I) as (A) to (H), respectively, and struck out former subpar. (A) which related to a museum of Indian arts.

Subsec. (b)(3). Pub. L. 101-644, § 502(2)-(4), added par. (3).

§ 4421. Transfer of functions

[See main edition for text of (a) to (c)]

(d) Forgiveness of amounts owed; hold harmless

(1) Subject to paragraph (2)—

(A) the Institute shall be responsible for all obligations of the Institute incurred after June 2, 1988, and

(B) the Secretary shall be responsible for all obligations of the Institute incurred on or before June 2, 1988, including those which accrued by reason of any statutory, contractual, or other reason prior to June 2, 1988, which became payable within two years of June 2, 1988.

(2) With respect to all programs of the Federal Government, in whatever form or from whatever source derived, the Institute shall only be held responsible for actions and requirements, either administrative, regulatory, or statutory in nature, for events which occurred after July 1, 1988, including the submission of reports, audits, and other required information. The United States may not seek any monetary damage or repayment for the commission of events, or omission to comply with either administrative or regulatory requirements, for any action which occurred prior to June 2, 1988.

(e), (f) Repealed. Pub. L. 101-644, title V, § 503(1), Nov. 29, 1990, 104 Stat. 4669

(As amended Pub. L. 101-644, title V, § 503, Nov. 29, 1990, 104 Stat. 4669.)

AMENDMENTS

1990—Subsec. (d). Pub. L. 101-644, § 503, added subsec. (d) and struck out former subsec. (d) which

read as follows: "Unless the Board provides otherwise, the Secretary of the Interior shall, until October 1, 1989, provide such technical and support assistance to the Institute as the Secretary determines reasonable or necessary to assist the Institute. Such assistance shall include audit, accounting, computer services, and building and maintenance services."

Subsecs. (e), (f). Pub. L. 101-644, § 503(1), struck out subsec. (e) which related to completion of transfers, final date of control of Institute by Secretary, payment of unexpended or unobligated funds, and responsibility for subsequently incurred obligations, and subsec. (f) which related to contract with University of New Mexico, terms of contract, and composition of advisory council.

§ 4424. Compliance with other Acts

[See main edition for text of (a) and (b)]

(c) Other Federal assistance

Funds received by the institute¹ pursuant to this chapter² shall not be regarded as Federal money for purposes of meeting any matching requirements for any Federal grant, contract or cooperative agreement.

(As amended Pub. L. 101-644, title V, § 504, Nov. 29, 1990, 104 Stat. 4669.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original "this Act" and was translated as reading "this title", meaning title XV of Pub. L. 99-498 to reflect the probable intent of Congress.

AMENDMENTS

1990—Subsec. (c). Pub. L. 101-644 added subsec. (c).

§ 4425. Endowment programs

(a) Program enhancement endowment

(1)(A) From the total amount appropriated for this subsection pursuant to section 4451(a) of this title, funds may be deposited into a trust fund maintained by the Institute at a federally insured banking or savings institution.

(B) The President of the Institute shall provide—

(i) for the deposit into the trust fund referred to in subparagraph (A)—

(I) of a capital contribution by the Institute in an amount equal to the amount of each Federal contribution; and

(II) any earnings on the funds deposited under this paragraph; or

(ii) for the reservation for the sole use of the Institute of any noncash, in-kind contributions of real or personal property, which property may at any time be converted to cash, which shall be deposited as a capital contribution into the trust fund referred to in subparagraph (A).

(C) If at any time the Institute withdraws any capital contribution (as described in subparagraph (B)(i)) made by the Institute to the trust fund referred to in subparagraph (A) or puts any property (as described in subparagraph (B)(ii)) to a use which is not for the sole benefit of the Institute, an amount equal to the

¹ So in original. Probably should be capitalized.

² See References in Text note below.

value of the Federal contribution shall be withdrawn from such trust fund and returned to the Treasury as miscellaneous receipts.

(2) Interest deposited into the trust fund pursuant to paragraph (1)(B)(ii) may be periodically withdrawn and used, at the direction of the Board or its designee, to defray any expense associated with the operation of the Institute, including the expense of operations and maintenance, administration, academic and support personnel, community and student services programs, and technical assistance.

(3) For the purpose of complying with the contribution requirement of paragraph (1)(B), the Institute may use funds or in-kind contributions of real or personal property fairly valued which are made available from any private or tribal source, including interest earned by the funds invested under this subsection. In-kind contributions shall be other than fully depreciable property or property which is designated for addition to the permanent collection of the Museum and shall be valued according to the procedures established for such purpose by the Secretary of the Treasury. For purposes of this paragraph, all contributions, including in-kind and real estate, which are on-hand as of November 29, 1990, and which have been received after June 2, 1988, but which have not been included in computations under this provision shall be eligible for matching with Federal funds appropriated in any fiscal year.

(4) Amounts appropriated under section 4451(a) of this title for use under this subsection shall be paid by the Secretary of the Treasury to the Institute as a Federal capital contribution equal to the amount of funds or the value of the in-kind contributions which the Institute demonstrates have been placed within the control of, or irrevocably committed to the use of, the Institute as a capital contribution of the Institute in accordance with this subsection.

(b) Capital improvement endowment

(1) In addition to the trust fund established under subsection (a) of this section, funds may be deposited into a trust fund maintained by the Institute at a federally insured banking or savings institution from the amount reserved for this subsection pursuant to section 4451(a) of this title for the purpose of establishing a separate special endowment for capital improvement (hereafter in this subsection referred to as the "capital endowment fund") to pay expenses associated with site selection and preparation, site planning and architectural design and planning, new construction, materials and equipment procurement, renovation, alteration, repair, and other building and expansion costs of the Institute.

(2) The President of the Institute shall provide for the deposit into the capital endowment fund of a capital contribution by the Institute in an amount equal to the amount of each Federal contribution and any earnings on amounts in the capital endowment fund.

(3) Funds deposited by the Institute as a match for Federal contributions under paragraph (5) shall remain in the capital endowment fund for a period of not less than two

years. If at any time the Institute withdraws any capital contribution to the capital endowment fund before the funds have been deposited for this two-year period, an equal amount of the Federal contribution shall be withdrawn from the capital endowment fund and returned to the Treasury as miscellaneous receipts. At the end of the two-year period, the entire principal and interest of the funds deposited for this period, including the Federal matching portion, shall accrue, without reservation, to the Institute and may be withdrawn, in whole or in part, to defray expenses associated with capital acquisition and improvement of the Institute referred to in paragraph (1).

(4) For the purpose of complying with the contribution requirement of paragraph (2), the Institute may use funds which are available from any private or tribal source.

(5) Subject to paragraph (3), amounts appropriated under section 4451(a) of this title for use under this subsection shall be paid by the Secretary of the Treasury to the Institute as a Federal capital contribution equal to the amount which the Institute demonstrates has been placed within the control of, or irrevocably committed to the use of, the Institute and is available for deposit as a capital contribution of the Institute in accordance with this subsection.

(c) General administrative provisions

(1) Funds in the trust funds described in subsections (a) and (b) of this section shall be invested at a rate not less than that generally available for similar funds deposited at the same banking institution for the same period or periods of time.

(2) No part of the net earnings of the trust funds established under this section shall inure to the benefit of any private person.

(3) The President of the Institute shall provide for such other provisions governing the trust funds established under this section as may be necessary to protect the financial interest of the United States and to promote the purpose of this chapter as agreed to by the Secretary of the Treasury and the Board or its designee, including recordkeeping procedures for the investment of funds received under the trust fund established under subsection (b) of this section and such other recordkeeping procedures for the expenditure of accumulated interest for the trust fund under subsection (a) of this section as will allow the Secretary of the Treasury to audit and monitor activities under this section.

(As amended Pub. L. 101-644, title V, § 505, Nov. 29, 1990, 104 Stat. 4669.)

CODIFICATION

November 29, 1990, referred to in subsec. (a)(3), was in the original "the date of enactment of this Act", which was translated as meaning the date of enactment of Pub. L. 101-644, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1990—Pub. L. 101-644 amended section generally, substituting present provisions consisting of subssecs. (a) to (c) for former text which provided: in subsec.

(a), establishment of program; in subsec. (b), use of funds; in subsec. (c), compliance with matching requirement; and in subsec. (d), payment of Federal contribution.

SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

§ 4451. Authorization of appropriations

(a) Subchapter I

[See main edition for text of (1) to (3)]

(4) Funds appropriated under this subsection for the fiscal year 1992 and for each succeeding fiscal year shall be transferred by the Secretary of the Treasury through the most expeditious method available with the Institute being designated as its own certifying agency.

(5) Funds are authorized to be appropriated for programs for more than one fiscal year. For the purpose of affording adequate notice of funding available under this chapter¹, amounts appropriated in an appropriations Act for any fiscal year to carry out this chapter¹ may, subject to the appropriation, become available for obligations on July 1 of that fiscal year.

[See main edition for text of (b)]

(As amended Pub. L. 101-644, title V, § 506, Nov. 29, 1990, 104 Stat. 4672.)

REFERENCES IN TEXT

Section 4425 of this title, referred to in subsec. (a)(3), was amended generally by Pub. L. 101-644, title V, § 505, Nov. 29, 1990, 104 Stat. 4669, and, as so amended, provisions similar to subsec. (d) are contained in subsec. (a)(4).

This chapter, referred to in subsec. (a)(5), was in the original "this Act" and was translated as reading "this title", meaning title XV of Pub. L. 99-498 to reflect the probable intent of Congress.

AMENDMENTS

1990—Subsec. (a)(4), (5), Pub. L. 101-644 added pars. (4) and (5).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4414, 4425 of this title.

CHAPTER 57—JAMES MADISON MEMORIAL FELLOWSHIP PROGRAM

§ 4502. Foundation

[See main edition for text of (a) to (c)]

(d) Reimbursement for expenses

(1) Subject to paragraph (2), members of the Board shall serve without pay.

(2) Members of the Board and the President, Executive Secretary, and other personnel of the Foundation shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties at rates applicable to judges of the United States under section 456(a) of title 28.

(As amended Pub. L. 101-208, § 1, Dec. 7, 1989, 103 Stat. 1836.)

¹ See References in Text note below.

AMENDMENTS

1989—Subsec. (d), Pub. L. 101-208 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties."

§ 4512. President and Executive Secretary of Foundation

(a)(1) The Board may appoint a President of the Foundation to serve full-time or part-time and for such a term as the Board shall determine.

(2) The President shall carry out such of the functions and duties of the Foundation as the Board may determine, subject to the supervision and direction of the Board.

(3) The President shall be compensated at a rate to be determined by the Board without regard to subchapter III of chapter 53 of title 5, not to exceed the rate for level III of the Executive Schedule under section 5314 of that title.

(4) Sections 5532, 8344, and 8468 of title 5 shall not apply to a person while such person is serving as President of the Foundation.

(b)(1) There shall be an Executive Secretary of the Foundation who shall be appointed by the Board.

(2) The Executive Secretary shall be the chief operating officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board or the President, as determined by the Board.

(3) The Executive Secretary shall be compensated at the rate specified for employees placed in grade GS-18 of the General Schedule set forth in section 5332 of title 5.

(As amended Pub. L. 101-208, § 2, Dec. 7, 1989, 103 Stat. 1836; Pub. L. 101-557, title V, § 501, Nov. 15, 1990, 104 Stat. 2771; Pub. L. 101-589, title II, § 253, Nov. 16, 1990, 104 Stat. 2895.)

AMENDMENTS

1990—Subsec. (a)(4), Pub. L. 101-557 and Pub. L. 101-589 amended par. (4) identically, striking out at end "The first sentence of this paragraph shall not, in the case of any individual, apply longer than December 31, 1990."

1929—Pub. L. 101-208 amended section generally. Prior to amendment, section read as follows:

"(a) There shall be an Executive Secretary of the Foundation who shall be appointed by the Board. The Executive Secretary shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board.

"(b) The Executive Secretary of the Foundation shall be compensated at the rate specified for employees placed in grade GS-18 of the General Schedule set forth in section 5332 of title 5."

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.